

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**December 7, 2009**

**MISC. ORDER 2009-012**

BY THE COURT:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on December 10 and December 11, 2009, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C056539      THE PEOPLE v. MARSHALL MILES      (Not For Publication)**

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that the prior drug conviction enhancements were imposed pursuant to Health and Safety Code section 11370.2, subdivision (a), not section 11370 as erroneously listed in the abstract.

SCOTLAND, P.J.

We Concur:    Hull, J.  
                 Butz, J.

**C059372      THE PEOPLE v. MARIE CANO      (Not For Publication)**

The challenged condition of probation is modified... The trial court is directed to amend the minute order and order of probation dated June 25, 2008, to reflect the modifications, and shall provide defendant with a copy of the amended order and conditions of probation.

SCOTLAND, P.J.

We Concur:    Hull, J.  
                 Cantil-Sakauye, J.

**C060756      THE PEOPLE v.      (Not For Publication)  
                 JAMES W. BEASLEY, III**

The appeal is dismissed.

RAYE, J.

We Concur:    Sims, Acting P.J.  
                 Cantil-Sakauye, J.

**C061056      THE PEOPLE v.      (Not For Publication)  
                 WILLIAM ANTHONY MURPHY**

The judgment is affirmed.

HULL, J.

We Concur:    Sims, Acting P.J.  
                 Cantil-Sakauye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**December 7, 2009, Continued**

**C061058      THE PEOPLE v.      (Not For Publication)**  
**JARRETT WAYNE REYNOLDS**

The portion of the "CRIMINAL PROTECTIVE ORDER - - DOMESTIC VIOLENCE," imposed pursuant to section 1203.097, that prohibits defendant from having any contact with his daughter is stricken, and the trial court is directed to so amend the order. As modified, the judgment is affirmed, including the condition of probation that defendant shall have "no contact" with his daughter and "remain 100 yards from [her] person, residence, place of employment and school."

SCOTLAND, P.J.

We Concur: Hull, J.

Cantil-Sakauye, J.

**C055674      In re J.B.; THE PEOPLE v. J.B.      (Not For Publication)**

The judgment is affirmed.

RAYE, J.

I concur: Sims, Acting P.J.

I concur in the result:

Robie, J.

**December 8, 2009**

At 1:09 p.m., the court met at East Nicolaus High School, in Nicolaus, California to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Butz, Associate Justice; and Warnock, bailiff.

**C059011      THE PEOPLE v. SCOTT KEITH ERNST**

Cause called. Cliff Gardner, court appointed counsel, argued for appellant. Laura Wetzel Simpton, Deputy Attorney General, argued for respondent. Cause submitted.

At 1:37 p.m., the court recessed. At 1:38 p.m., the court reconvened.

**C058728      MUHAREB v. TURNER, as Trustee, etc.**

Cause called. Michael R. Barrette argued for appellant. Brant J. Bordsen argued and Kimberly A. Steffenson appeared only for respondent. Cause submitted.

At 2:09 p.m., the court recessed until 9:30 a.m., Monday, December 14, 2009.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**December 9, 2009**

- C057581      THE PEOPLE v.      (Not For Publication)**  
**CHARLES KEVIN CUNNINGHAM**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Nicholson, Acting P.J.  
Raye, J.
- C058178      GOLDEN DRUGS Co., INC. v.      (Certified For Publication)**  
**MAXWELL-JOLLY, as Director, etc.**  
The judgment is affirmed. The Department shall recover its costs on appeal. (Cal. Rules of court, rule 8.278 (a) (1) – (2) . )  
SIMS, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C059088      ALLEN, as Trustee, etc. v. FULTON      (Not For Publication)**  
The award of attorney fees and costs is affirmed. ...  
ROBIE, J.  
We Concur: Sims, Acting P.J.  
Raye, J.

**December 10, 2009**

- C060376      THE PEOPLE v.      (Not For Publication)**  
**JARVONNE FEREDDELL JONES**  
The judgment is modified by staying execution of the sentence on count three pursuant to section 654, and as so modified is affirmed. The trial court is directed to forward a new abstract of judgment to the Department of Corrections and Rehabilitation.  
CANTIL-SAKAUYE, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C061152      THE PEOPLE v. CHRISTOPHER TAYLOR      (Not For Publication)**  
The judgment is reversed.  
BUTZ, J.  
We Concur: Hull, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**December 10, 2009, Continued**

- C061355      THE PEOPLE v.      (Not For Publication)**  
**TERRY LEE WASHINGTON**  
The \$400 fine pursuant to Penal Code section 1203.097 is stricken. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting a total 396 days of presentence credit and to send a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.  
NICHOLSON, Acting P.J.  
We Concur: Raye, J.  
Robie, J.
- C059949      CHANG v. JOHNSON, JR. et al.      (Not For Publication)**  
The judgment is affirmed. Defendants are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1), (2) . )  
BLEASE, Acting P.J.  
We Concur: Raye, J.  
Hull, J.
- C061204      In re R.A.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. R.A.**  
The orders of the juvenile court are affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Sims, Acting P.J.  
Hull, J.
- C059322      RAINBOW FARMS et al. v. NATOMAS CENTRAL MUTUAL WATER CO.**  
**BY THE COURT:**  
Appellant's petition for rehearing is denied.  
SIMS, Acting P.J.
- C059747      In re the Marriage of LINDA A. and STEVEN B. BOBLITT; BOBLITT v.**  
**BOBLITT**  
**BY THE COURT:**  
"Respondent's Notice of Motion and Motion to Dismiss Appeal" is denied.  
BLEASE, Acting P.J.

**COURT OF APPEAL  
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**Court Minutes**

**December 11, 2009**

**C060512      THE PEOPLE v.      (Not For Publication)**  
**DEREK ADAM NIKRASCH**

The judgment is affirmed. As noted, however, the abstract contains a misspelling of defendant's surname, which must be corrected, in that "Nikarsch" should be "Nikrasch." The trial court is directed to prepare an amended abstract of judgment and send a certified copy to the Department of Corrections and Rehabilitation.

BUTZ, J.

We Concur:    Blease, Acting P.J.  
                     Cantil-Sakauye, J.

**C058279      BECK PROPERTIES, INC. v. HAMEED      (Not For Publication)**

The judgment is affirmed. Costs on appeal are awarded to Beck.  
(Cal. Rules of Court, rule 8.278 (a) . )

NICHOLSON, Acting P.J.

We Concur:    Hull, J.  
                     Butz, J.

**C059138      NARAYAN v. CITY OF SACRAMENTO      (Not For Publication)**  
**et al.**

The judgment, the denial of the motion for judgment notwithstanding the verdict, and the denial of the motion to strike costs, are all affirmed. Costs on appeal are awarded to defendants. (Cal. Rules of Court, rule 8.278 (a) . )

NICHOLSON, Acting P.J.

We Concur:    Hull, J.  
                     Butz, J.